

REMARKS

Claims 1, 2, 4-10, and 12-21 were pending. Claim 1 is amended. Claims 2, 9-10 and 12-21 are canceled and new claims 22-25 are added. Support for the amendments to claim 1, and for new claims 22-24 may be found in the specification and drawings as originally filed. For example, support may be found in paragraphs [0016], [0024], [0028] and Figs. 3-7. No new matter is added. As a result, claims 1, 4-8, and 22-25 are pending and at issue.

35 U.S.C. § 112 First Paragraph Rejections

In response to the rejections under 35 U.S.C. § 112, first paragraph, the Applicants amended claim 1 to recite that the panel portions of hanging file folders suspended from the file suspension device are disposed at least substantially between the outer surfaces of the first and second panels. This addresses the point raised in the Office action concerning the hooks being considered part of the definition of a file as a folder including four laterally extending hooks. Claim 2 has been canceled. In view of these amendments, withdrawal of the rejection is respectfully solicited.

35 U.S.C. § 102 Rejections

In response to the rejections of claims 1-8 and 17-20 under 35 U.S.C. § 103 as allegedly anticipated by U.S. Patent No. 4,505,388 to Solomon ("Solomon"), the Applicants respectfully submit that in view of the amendments to claim 1, and the cancellation of claims 12-21, the rejection is moot.

According to Solomon, hooks of hanging file folders are supported by a "support 40" extending along an upper edge of each of the side panels 12 and 14 when the front panel 16 is in the closed position. When the front panel 16 is rotated to the open position, the hooks of hanging file folders are engaged by the upper arcuate edge of each of the flanges 66 that extend perpendicularly to the front panel 16. Thus, when the front panel 16 of Solomon is pivoted to its closed position (as shown in solid lines in Fig. 2), the hooks of the hanging file folders are in direct contact with the supports 40, which supports are integral with the upper edge of the side panels 12 and 14, that define (in part) the exterior shell. As may be appreciated from the divergence of the upper arcuate edge of the flanges 66 from the support 40 in Fig. 2, Fig. 3 of Solomon is a cross section taken in the immediate vicinity of the front

of the case, just rearwardly of the front panel 16, with the front panel 16 in its closed position. At that location, hooks of suspended file folders are in direct contact with, and supported by, *both* the upper arcuate edge of the flanges 66 as well as the supports 40. If cross-sections similar to Fig. 3 were taken at locations closer to the back panel 18 of the case disclosed in Solomon, with the front panel 16 still in its closed position, it would be seen that the hooks of suspended file folders at those locations were only in direct contact with the supports 40. Further, if cross sections similar to Fig. 3 were taken at the same distance from the front panel 16 as Fig. 3, but with the front panel 16 pivoted to its open position, the hooks of suspended file folders at such a location would only be in contact with the upper arcuate edge of the flanges 66.

Claim 1, as amended, recites (in part) “laterally extending hooks of the hanging file maintain direct contact with the curved suspension surfaces and no other surface regardless of whether the openable panel is in the retracted condition or the open condition.” It is respectfully submitted that Solomon does not anticipate claim 1, as amended, or any of the claims depending therefrom.

35 U.S.C. § 103 Rejections

Claims 9-16 were rejected under 35 U.S.C. § 103 as allegedly obvious over Solomon in view of U.S. Patent No. 4,666,047 to Fletcher. Without conceding the merits of the rejections, claims 9-16 have been canceled, so it is respectfully submitted that these rejections are moot.

Conclusion

In view of the above amendments, it is respectfully submitted that the pending application is in condition for allowance. If, in the opinion of the examiner, a telephone conference would expedite prosecution of the subject application, the examiner is invited to call the undersigned.

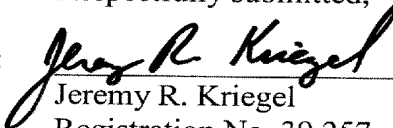
The director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 13-2855, under Order No. 29618/39225D.

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Respectfully submitted,

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